
WISCONSIN MEDICAID UPDATE

NOVEMBER 23, 1994

UPDATE 94-1

TO:
SMV Providers

Revised Administrative Rules for Specialized Medical Vehicle Providers - Summary of Major Policy Changes - Effective December 1, 1994

This update is a summary of the major changes to HSS 105.39 and 107.23, Wisconsin Administrative Code, which will become effective December 1, 1994. A copy of the revised rules is enclosed.

Read the revised rules carefully. As a specialized medical vehicle (SMV) provider, you must comply with all of the rule's provisions.

This summary is provided for your convenience. It is your responsibility to read the rules carefully and comply with them. Failure to comply with any of these requirements may result in denied payments, recoupments, and denied provider certification.

☛ All SMV Providers Must Comply with TRANS. 301, Wisconsin Administrative Code

As a SMV provider, you must comply with the Human Service Vehicle (HSV) requirements in Trans. 301, Wis. Admin. Code. A copy of this rule is also enclosed. Contact your district Wisconsin Highway Patrol office for more information about the HSV requirements.

☛ Minimum Insurance Levels for SMVs Have Increased

The minimum insurance levels for SMVs have been increased to:

- Personal liability for each person - \$250,000
- Personal liability for each occurrence - \$500,000
- Property damage - \$10,000

Contact your insurance agent for information on the best way to comply with these new insurance levels.

New Requirements for Vehicles

Additional Vehicle Systems Must Be Inspected Every Seven Days By a Driver or Mechanic

In addition to the other vehicle systems listed in HSS 105.39, Wis. Admin. Code, every seven days a driver or mechanic must inspect:

1. internal lights
2. structural integrity of passenger compartment
3. air conditioning
4. wheelchair locking systems
5. lifts

You Must Maintain a List For Each Vehicle You Use for Medical Transportation

For each vehicle you use for Medicaid transportation, you must maintain a list showing:

1. registration number
2. license number
3. identification number
4. manufacturer
5. model
6. year
7. passenger capacity
8. insurance policy number
9. insurer
10. wheelchair lift or ramp
11. type of wheelchair and stretcher restraint systems

All Vehicles Must Be Equipped with a Lift or a Ramp for Loading Wheelchairs and Restraint Devices For Wheelchairs and Passengers

In addition to the other vehicle equipment required in HSS 105.39(3), all of your vehicles must be equipped with:

1. a lift or ramp for loading wheelchairs
2. restraint devices for wheelchairs and passengers

You will not be paid for any transportation without these items.

Requirements When You Are Transporting a Person On a Stretcher

SMVs must have proper stretcher restraint devices when carrying a person on a stretcher.

New Requirements for Vehicle Drivers

In addition to the requirements for vehicle drivers in HSS 105.39(4), drivers must be instructed in cardiopulmonary resuscitation (CPR) and the use of ramps, lifts, and restraint devices.

New Recordkeeping Requirements

You Must Maintain a Current List of Drivers Working For You That Shows:

1. driver's name
2. driver's license number
3. any driving violations or restrictions

New Requirements for SMV Transportation Physician Certification Forms

SMV Transportation Physician Certification forms, which document the medical necessity of SMV transport for a recipient:

1. may now be signed by a physician assistant, nurse midwife, or nurse practitioner, as well as a physician
2. must state explicitly why the recipient cannot take any other form of transportation
3. must be in the recipient's file within 14 working days after the date it is signed, and before any claim is submitted
4. may be received by telephone, but must be put on paper within 10 working days of the telephone order or prior to claim submission, whichever comes first

New Requirements for Certain Kinds of Travel

Unloaded Mileage Will Only Be Paid for Distances Traveled to the Pick-up Point in Excess of 20 Miles.

SMVs must travel more than 20 miles to the pick-up point before you can be paid for "unloaded mileage" (Procedure Code W9053). You can be paid for unloaded mileage only when no passenger is in the vehicle. You will not be paid for unloaded mileage if there is any passenger in the vehicle.

You Can Not Be Paid for SMV Trips to Pick Up Prescriptions

You will no longer be paid separately for trips to a pharmacy to have a prescription filled or refilled.

New Policies That Will Be Implemented in Spring, 1995

We will send you more information about the other new policies that will be implemented in Spring, 1995, and how the policies will affect you. The new policies are:

1. Beginning April 1, 1995, every Physician Certification form for a legally blind or indefinitely disabled recipient must be renewed annually. This form must be in your file before you submit a claim for SMV services.

2. You will need to obtain prior authorization for SMV trips over 40 miles one way from the pick-up point when the recipient lives in the following counties:

- Brown
- Dane
- Fond du Lac
- Kenosha
- La Crosse
- Manitowoc
- Milwaukee
- Outagamie
- Sheboygan
- Racine
- Rock
- Winnebago

For recipients living in all other counties, prior authorization is required for trips over 70 miles one way from the pick-up point.

We will provide you further instructions when the system is ready to begin.

3. When an SMV carries two or more Medicaid recipients on a single trip, payment for riders will be lower. We will provide you further instructions when this change is ready to begin.

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING,
REPEALING AND RECREATING AND CREATING RULES

To repeal HSS 107.02(2m)(a)17; to renumber HSS 105.39(2)(b)2 and 3; to renumber and amend HSS 105.38; to amend HSS 105.39(1), (2)(a) and (b) (intro.) and 1,(3)(a) and (b),(4)(a) and (5)(a); to repeal and recreate HSS 105.39(4)(b) and (c) and 107.23; and to create HSS 105.38(2) and 105.39(2)(b)2 and (h), and (7), relating to provision of transportation services under the Medical Assistance program.

Analysis Prepared by the Department of Health and Social Services

The Department pays for some Medical Assistance (MA) recipients to be transported by ambulance or specialized medical vehicle (SMV) or, with county or tribal approval, by public carrier or private motor vehicle, to MA-certified health care providers to receive MA-covered services. In doing so, it certifies MA transportation providers under ss. HSS 105.38 and 105.39 and establishes conditions and procedures for reimbursement of transportation services under s. HSS 107.23.

This rulemaking order updates SMV provider certification provisions in s. HSS 105.39 for insurance, vehicle capabilities and maintenance, and driver qualifications and training. It uses as benchmarks Wisconsin Department of Transportation standards and industry norms. All SMVs are required to have either a lift or a ramp. Drivers are expected to have first aid and CPR training and specific instruction in the use of ramps, lifts and restraint devices used by the provider in addition to specific instruction on the care of passengers having seizures. Some other MA providers are prohibited from becoming SMV providers. The Department may refuse to re-certify providers who repeatedly violate SMV requirements.

This order also modifies s. HSS 107.23 relating to covered transportation services. The organization of the section is changed so that it is similar to other covered service sections. The amended rules clarify how providers should bill for certain services such as second attendants and clarify when the program will reimburse family members for expenses. The rules include new provisions for reimbursement of SMV providers for unloaded mileage and clarify the Department's authority to set guidelines for common carrier transportation and set conditions for transportation of certain ambulatory recipients in specialized medical vehicles. References are added to tribal agencies and to county and tribal agency designees. "Usual and customary" in relation to charges for SMV transportation is defined. SMVs may not be used to transport recipients to some destinations.

The Department's authority to repeal, renumber, renumber and amend, amend, repeal and recreate and create these rules is found in s. 49.45(10), Stats. The rules interpret s. 49.46(2)(b)3, Stats.

SECTION 1. HSS 105.38 is renumbered 105.38(1) and amended to read:

HSS 105.38 CERTIFICATION OF AMBULANCE PROVIDERS.(1) For MA certification, ambulance service providers shall be licensed pursuant to s. 146.50, Stats., and ch. ~~H20 [HSS 110]~~ HSS 110, and shall meet ambulance inspection standards ~~adopted by~~ of the Wisconsin department of transportation under s. 341.085, Stats., and ~~found in~~ ch. Trans ~~157~~ 309.

SECTION 2. HSS 105.38(2) is created to read:

HSS 105.38(2) An ambulance service provider that also provides air ambulance services shall submit a separate application under s. HSS 105.01 for certification as an air ambulance provider.

Note #1: For a copy of the application form for an ambulance service provider license, write the EMS Section, Division of Health, P.O. Box 309, Madison, Wisconsin, 53701.

Note #2: For covered transportation services, see s. HSS 107.23.

SECTION 3. HSS 105.39(1) is amended to read:

HSS 105.39 CERTIFICATION OF SPECIALIZED MEDICAL VEHICLE PROVIDERS.

(1) For MA certification, a specialized medical vehicle provider ~~providers~~ shall meet the requirements of this section and shall sign the affidavit required under sub. (6) stipulating that ~~they are~~ the provider is in compliance with the requirements of this section as well as with the requirements of the department of transportation for human service vehicles under ss. 110.05 and 340.01(23)(g), Stats., and ch. Trans. 301, and shall provide proof of compliance when requested by the department.

SECTION 4. HSS 105.39(2)(a) and (b)(intro.) and 1, are amended to read:

HSS 105.39(2) VEHICLES. (a) Insurance of not less than ~~\$100,000~~ \$250,000 personal liability for each person and, not less than ~~\$300,000~~ \$500,000 personal liability for each occurrence and not less than \$10,000 property damage shall be carried on ~~all vehicles~~ each specialized medical vehicle used in transporting recipients to transport a recipient.

(b)(intro.) ~~Vehicle inspections~~ Each vehicle shall be ~~performed~~ inspected and the inspection documented at least every 7 days by an assigned driver or mechanic, to ensure:

1. The proper functioning of the vehicle systems including but not limited to all headlights, emergency flasher lights, turn signal lights, tail lights, brake lights, clearance lights, internal lights, windshield wipers, brakes, front suspension and steering mechanisms, shock absorbers, heater and defroster systems, structural integrity of passenger compartment, air conditioning system, wheelchair locking systems, doors, lifts and ramps, moveable windows and passenger and driver restraint systems;

SECTION 5. HSS 105.39(2)(b)2 and 3 are renumbered 105.39(2)(b)3 and 4.

SECTION 6. HSS 105.39(2)(b)2 and (h) are created to read:

HSS 105.39(2)(b)2. That all brakes, front suspension and steering mechanisms and shock absorbers are functioning correctly;

(h) A provider shall maintain a list showing for each vehicle its registration number, identification number, license number, manufacturer, model, year, passenger

capacity, insurance policy number, insurer, types of restraint systems for wheelchairs and whether it is fitted with a wheelchair lift or with a ramp. Attached to the list shall be evidence of compliance with ch. Trans. 301.

SECTION 7. HSS 105.39(3)(a) and (b) and (4)(a) are amended to read:

HSS 105.39(3) VEHICLE EQUIPMENT. (a) The vehicle shall be equipped at all times with ~~a jack and lug wrench,~~ a flashlight in working condition, a first aid kit ~~containing 2 rolls of sterile gauze, sterile gauze compression bandages at least equal in number to the passenger-carrying capacity of the vehicle, one roll of adhesive tape and one tourniquet,~~ and a fire extinguisher. The fire extinguisher shall be periodically serviced as recommended by the local fire department.

(b) The vehicle shall be equipped with a lift or ramp for loading wheelchairs. The vehicle shall also be equipped with passenger restraint devices for each passenger, including restraint devices for ~~wheelchairbound recipients if these recipients are carried, and these devices shall be used.~~ Wheelchair restraints shall secure both the passenger and the wheelchair recipients in wheelchairs or on cots or stretchers as defined in s. HSS 107.23(1)(c)4. Both a recipient and the recipient's wheelchair, cot or stretcher shall be secured.

(4) (a) Each driver shall possess a valid ~~Wisconsin chauffeur's~~ regular or commercial operator's license which shall be unrestricted, except that the vision restrictions may be waived if the driver's vision is corrected to an acuity of 20/30 or better by the use of ~~eyeglasses~~ corrective lenses. In this event, the driver shall wear corrective ~~eyeglasses~~ lenses while transporting recipients.

SECTION 8. HSS 105.39(4)(b) and (c) are repealed and recreated to read:

HSS 105.39(4)(b)1. Each driver before driving a vehicle or serving as an attendant shall have received all of the following:

- a. Basic Red Cross or equivalent training in first aid and cardiopulmonary resuscitation (CPR);
- b. Specific instructions on care of passengers in seizure; and
- c. Specific instructions in the use of all ramps, lift equipment and restraint devices used by the provider.

2. A driver who was employed before the effective date of this section [revisor to insert effective date] and who attests in writing that he or she has had prior training in the topics under subd. 1 shall be considered to have fulfilled the requirements under subd. 1.

3. Each driver shall receive refresher training in first aid every 2 years and refresher training in CPR annually. A driver who is an emergency medical technician licensed under ch. HSS 110, 111 or 112, a licensed practical nurse, a registered nurse or a physician assistant shall be considered to have met this requirement by completion of continuing education which includes first aid and CPR.

(c) The provider shall maintain a current list of all drivers showing the name, license number and any driving violations or license restrictions of each and shall keep that list current.

SECTION 9. HSS 105.39(5)(a) is amended to read:

HSS 105.39(5)(a) Compliance with ~~all applicable~~ state and local laws governing the conduct of ~~company business~~ businesses, including ch. Trans 301.

SECTION 10. HSS 105.39(7) is created to read:

HSS 105.39(7) DENIAL OF RECERTIFICATION. If a provider violates provisions of this chapter, s. HSS 106.06, s. HSS 107.23 or any other instruction in MA program manuals, handbooks, bulletins or letters on provision of SMV services 3 times in a 36-month period, the department may deny that provider's request for re-certification.

SECTION 11. HSS 107.02(2m)(a)17 is repealed.

SECTION 12. HSS 107.23 is repealed and recreated to read:

HSS 107.23 TRANSPORTATION. (1) COVERED SERVICES. (a) **General.**

Transportation by ambulance, specialized medical vehicle (SMV) or county-approved or tribe-approved common carrier as defined under par.(d)1, is a covered service when provided to a recipient in accordance with this section.

(b) **Transport by ambulance.** Ambulance transportation shall be a covered service if the recipient is suffering from an illness or injury which contraindicates transportation by other means, but only when provided:

1. For emergency care, when immediate medical treatment or examination is needed to deal with or guard against a worsening of the recipient's condition:

a. From the recipient's residence or the site of an illness or accident to a hospital, physician's office or emergency care center;

b. From a nursing home to a hospital; or

c. From a hospital to another hospital; and

2. For non-emergency care when authorized by a physician, physician assistant, nurse midwife or nurse practitioner by written documentation which states the specific

medical problem requiring the non-emergency ambulance transport:

- a. From a hospital or nursing home to the recipient's residence;
- b. From a hospital to a nursing home;
- c. From a nursing home to another nursing home, a hospital, a hospice care facility or a dialysis center; or
- d. From a recipient's residence or nursing home to a hospital or a physician's or dentist's office, if the transportation is to obtain a physician's or dentist's services which require special equipment for diagnosis or treatment that cannot be obtained in the nursing home or recipient's residence.

(c) Transport by specialized medical vehicle (SMV). 1. In this paragraph, "indefinitely disabled" means a chronic, debilitating physical impairment which includes an inability to ambulate without personal assistance or requires the use of a mechanical aid such as a wheelchair, a walker or crutches, or a mental impairment which includes an inability to reliably and safely use common carrier transportation because of organic conditions affecting cognitive abilities or psychiatric symptoms that interfere with the recipient's safety or that might result in unsafe or unpredictable behavior. These symptoms and behaviors may include the inability to remain oriented to correct embarkation and debarkation points and times and the inability to remain safely seated in a common carrier cab or coach.

2. SMV transportation shall be a covered service if the recipient is legally blind or is indefinitely disabled as documented in writing by a physician, physician assistant, nurse midwife or nurse practitioner. The necessity for SMV transportation shall be documented by a physician, physician assistant, nurse midwife or nurse practitioner. The documentation shall indicate in a format determined by the department why the

recipient's condition contraindicates transportation by a common carrier as defined under par.(d)1, including accessible mass transit services, or by a private vehicle and shall be signed and dated by a physician, physician assistant, nurse midwife or nurse practitioner. For a legally blind or indefinitely disabled recipient, the documentation shall be rewritten annually. The documentation shall be placed in the file of the recipient maintained by the provider within 14 working days after the date of the physician's, physician assistant's, nurse midwife's or nurse practitioner's signing of the documentation and before any claim for reimbursement for the transportation is submitted.

3. If a recipient has not been declared legally blind or has not been determined by a physician, physician assistant, nurse midwife or nurse practitioner to be indefinitely disabled, the transportation provider shall obtain and maintain a physician's, physician assistant's, nurse midwife's or nurse practitioner's written documentation for SMV transportation. The documentation shall indicate in a format determined by the department why the recipient's condition contraindicates transportation by a common carrier, including accessible mass transit services, or by a private vehicle and shall state the specific medical problem preventing the use of a common carrier, as defined under par.(d)1, and the specific period of time the service may be provided. The documentation shall be signed and dated by a physician, physician assistant, nurse midwife or nurse practitioner. The documentation shall be valid for a maximum of 90 days from the date of the physician's, physician assistant's, nurse midwife's or nurse practitioner's signature. The documentation shall be placed in the file of the recipient maintained by the provider within 14 working days after the date of the physician's, physician assistant's, nurse midwife's or nurse practitioner's signing of the

documentation and before any claim for reimbursement for the transportation is submitted.

4. SMV transportation, including the return trip, is covered only if the transportation is to a location at which the recipient receives an MA-covered service on that day. SMV trips by cot or stretcher are covered if they have been prescribed by a physician, physician assistant, nurse midwife or nurse practitioner. In this subdivision, "cot or stretcher" mean a bed-like device used to carry a patient in a horizontal or reclining position.

5. Charges for SMV unloaded mileage are reimbursable only when the SMV travels more than 20 miles by the shortest route available to pick up a recipient and there is no other passenger in the vehicle, regardless of whether or not that passenger is an MA recipient. In this subdivision, "unloaded mileage" means the mileage travelled by the vehicle to pick up the recipient for transport to or from MA-covered services.

6. When a recipient does not meet the criteria under subd.2, SMV transportation may be provided under par. (d) to an ambulatory recipient who needs transportation services to or from MA-covered services if no other transportation is available. The transportation provider shall obtain and maintain documentation as to the unavailability of other transportation. Records and charges for the transportation of ambulatory recipients shall be kept separate from records and charges for non-ambulatory recipients. Reimbursement shall be made under the common carrier provisions of par. (d).

(d) Transport by county-approved or tribe-approved common carrier 1. In this paragraph, "common carrier" means any mode of transportation approved by a county

or tribal agency or designated agency, except an ambulance or an SMV unless the SMV is functioning under subd. 5.

2. Transportation of an MA recipient by a common carrier to a Wisconsin provider to receive MA-covered services shall be a covered service if the transportation is authorized by the county or tribal agency or its designated agency. Reimbursement shall be for the charges of the common carrier, for mileage expenses or a contracted amount the county or tribal agency or its designated agency has agreed to pay a common carrier. A county or tribal agency may develop its own transportation system or may enter into contracts with common carriers, individuals, private businesses, SMV providers and other governmental agencies to provide common carrier services. A county or tribe is limited in making this type of arrangement by sub. (3)(c).

3. Transportation of an MA recipient by a common carrier to an out-of-state provider, excluding a border-status provider, to receive MA-covered services shall be covered if the transportation is authorized by the county or tribal agency or its designated agency. The county or tribal agency or its designated agency may approve a request only if prior authorization has been received for the nonemergency medical services as required under s. HSS 107.04. Reimbursement shall be for the charges of the common carrier, for mileage expenses or a contracted amount the county or tribal agency or its designated agency has agreed to pay the common carrier.

4. Related travel expenses may be covered when the necessary transportation is other than routine, such as transportation to receive a service that is available only in another county, state or country, and the transportation is prior authorized by the county or tribal agency or its designated agency. These expenses may include the cost of meals and commercial lodging en route to MA-covered care, while receiving

the care and when returning from the care, and the cost of an attendant to accompany the recipient. The necessity for an attendant, except for children under 16 years of age, shall be determined by a physician, physician assistant, nurse midwife or nurse practitioner with that determination documented and submitted to the county or tribal agency. Reimbursement for the cost of an attendant may include the attendant's transportation, lodging, meals and salary. If the attendant is a relative of the recipient, reimbursed costs are limited to transportation, commercial lodging and meals. Reimbursement for the costs of meals and commercial lodging shall be no greater than the amounts paid by the state to its employees for those expenses. The costs of more than one attendant shall be reimbursed only if the recipient's condition requires the physical presence of another person. Documentation stating the need for the second attendant shall be from a physician, physician assistant, nurse midwife or nurse practitioner and shall explain the need for the attendant and be maintained by the transportation provider if the provider is not a common carrier. If the provider is a common carrier, the statement of need shall be maintained by the county or tribal agency or its designated agency authorizing the transportation. If the length of attendant care is over 4 weeks in duration, the department shall determine the necessary expenses for the attendant or attendants after the first 4 weeks and at 4-week intervals thereafter. In this subdivision, "attendant" means a person needed by the transportation provider to assist with tasks necessary in transporting the recipient and that cannot be done by the driver or a person traveling with the recipient in order to receive training in the care of the recipient, and "relative" means a parent, grandparent, grandchild, stepparent, spouse, son, daughter, stepson, stepdaughter, brother, sister, half-brother or half-sister, with this relationship either by consanguinity

or direct affinity.

5. If a recipient for emergency reasons beyond that person's control is unable to obtain the county or tribal agency's or designee's authorization for necessary transportation prior to the transportation, such as for a trip to a hospital emergency room on a weekend, the county or tribal agency or its designee may provide retroactive authorization. The county or tribal agency or its designee may require documentation from the medical service provider or the transportation provider, or both, to establish that the transportation was necessary.

(2) SERVICES REQUIRING PRIOR AUTHORIZATION. The following covered services require prior authorization from the department:

(a) All non-emergency transportation of a recipient by water ambulance to receive MA-covered services;

(b) All non-emergency transportation of a recipient by fixed-wing air ambulance to receive MA-covered services;

(c) All non-emergency transportation of a recipient by helicopter ambulance to receive MA-covered services;

(d) Trips by ambulance to obtain physical therapy, occupational therapy, speech therapy, audiology services, chiropractic services, psychotherapy, methadone treatment, alcohol abuse treatment, other drug abuse treatment, mental health day treatment or podiatry services;

(e) Trips by ambulance from nursing homes to dialysis centers; and

(f) All SMV transportation to receive MA-covered services, except for services to be received out of state for which prior authorization has already been received, that is over 40 miles for an one-way trip in Brown, Dane, Fond du Lac, Kenosha, La

Crosse, Manitowoc, Milwaukee, Outagamie, Sheboygan, Racine, Rock and Winnebago counties from a recipient's residence, and 70 miles for an one-way trip in all other counties from a recipient's residence.

Note: For more information on prior authorization, see s. HSS 107.02(3).

(3) LIMITATIONS. (a) Ambulance transportation. 1. When a hospital-to-hospital or nursing home-to-nursing home non-emergency transfer is made by ambulance, the ambulance provider shall obtain, before the transfer, written certification from the recipient's physician, physician assistant, nurse midwife or nurse practitioner explaining why the discharging institution was not an appropriate facility for the patient's condition and the admitting institution is appropriate for that condition. The document shall be signed by the recipient's physician, physician assistant, nurse midwife or nurse practitioner and shall include details of the recipient's condition. This document shall be maintained by the ambulance provider.

2. If a recipient residing at home requires treatment at a nursing home, the transportation provider shall obtain a written statement from the provider who prescribed the treatment indicating that transportation by ambulance is necessary. The statement shall be maintained by the ambulance provider.

3. For other non-emergency transportation, the ambulance provider shall obtain documentation for the service signed by a physician, physician assistant, nurse midwife, dentist or nurse practitioner. The documentation shall include the recipient's name, the date of transport, the details about the recipient's condition that preclude transport by any other means, the specific circumstances requiring that the recipient be transported to the office or clinic to obtain a service, the services performed and an explanation of why the services could not be performed in the hospital, nursing home

or recipient's residence. Documentation of the physician, dentist, physician assistant, nurse midwife or nurse practitioner performing the service shall be signed and dated and shall be maintained by the ambulance provider. Any order received by the transportation provider by telephone shall be repeated in the form of written documentation within 10 working days of the telephone order or prior to the submission of the claim, whichever comes first.

4. Services of more than the 2 attendants required under s. 146.50(4), Stats., are covered only if the recipient's condition requires the physical presence of more than 2 attendants for purposes of restraint or lifting. Medical personnel not employed by the ambulance provider who care for the recipient in transit shall bill the program separately.

5. a. If a recipient is pronounced dead by a legally authorized person after an ambulance is requested but before the ambulance arrives at the pick-up site, emergency service only to the point of pick-up is covered.

b. If ambulance service is provided to a recipient who is pronounced dead en route to a hospital or dead on arrival at the hospital by a legally authorized person, the entire ambulance service is covered.

6. Ambulance reimbursement shall include payment for additional services provided by an ambulance provider such as for drugs used in transit or for starting intravenous solutions, EKG monitoring for infection control, charges for reusable devices and equipment, charges for sterilization of a vehicle including after carrying a recipient with a contagious disease, and additional charges for services provided at night or on weekends, or on holidays. Separate payments for these charges shall not be made.

7. Non-emergency transfers by ambulance that are for the convenience of the recipient or the recipient's family are reimbursed only when the attending physician documents that the participation of the family in the recipient's care is medically necessary and the recipient would suffer hardship if the transfer were not made by ambulance.

(b) SMV transportation. 1. Transportation by SMV shall be covered only if the purpose of the trip is to receive an MA-covered service. Documentation of the name and address of the service provider shall be kept by the SMV provider. Any order received by the transportation provider by telephone shall be repeated in the form of written documentation within 10 working days of the telephone order or prior to the submission of the claim, whichever comes first.

2. Charges for waiting time are covered charges. Waiting time is allowable only when a to-and-return trip is being billed. Waiting time may only be charged for one recipient when the transportation provider or driver waits for more than one recipient at one location in close proximity to where the MA-covered services are provided and no other trips are made by the vehicle or driver while the service is provided to the recipient. In this subdivision, "waiting time" means time when the transportation provider is waiting for the recipient to receive MA covered services and return to the vehicle.

3. Services of a second SMV transportation attendant are covered only if the recipient's condition requires the physical presence of another person for purposes of restraint or lifting. The transportation provider shall obtain a statement of the appropriateness of the second attendant from the physician, physician assistant, nurse midwife or nurse practitioner attesting to the need for the service and shall retain that

statement.

4. SMV services may only be provided to recipients identified under sub.(1)(c).

5. A trip to a sheltered workshop or other nonmedical facility is covered only when the recipient is receiving an MA-covered service there on the dates of transportation and the medical services are of the level, intensity or extent consistent with the medical need defined in the recipient's plan of care.

6. Trips to school for MA-covered services shall be covered only if the recipient is receiving services on the day of the trip under the Individuals with Disabilities Education Act, 20 USC ch. 33, and the MA-covered services are identified in the recipient's individual education plan and are delivered at the school.

7. Unloaded mileage as defined in sub. (1)(c)5 is not reimbursed if there is any other passenger in the vehicle whether or not that passenger is an MA recipient.

8. When 2 or more recipients are being carried at the same time, the department may adjust the rates.

9. Additional charges for services at night or on weekends or holidays are not covered charges.

10. A recipient confined to a cot or stretcher may only be transported in an SMV if the vehicle is equipped with restraints which secure the cot or stretcher to the side and the floor of the vehicle. The recipient shall be medically stable and no monitoring or administration of non-emergency medical services or procedures may be done by SMV personnel.

(c) County-approved or tribe-approved transportation. 1. Non-emergency transportation of a recipient by common carrier is subject to approval by the county or tribal agency or its designee before departure. The reimbursement shall be no more

than an amount set by the department and shall be less per mile than the rates paid by the department for SMV purposes. Reimbursement for urgent transportation is subject to retroactive approval by the county or tribal agency or its designee.

2. The county or tribal agency or its designee shall reimburse the recipient or the vendor for transportation service only if the service is not provided directly by the county or tribal agency or its designee.

3. Transportation provided by a county or tribal agency or its designee shall involve the least costly means of transportation which the recipient is capable of using and which is reasonably available at the time the service is required. Reimbursement to the recipient shall be limited to mileage to the nearest MA provider who can provide the service if the recipient has reasonable access to health care of adequate quality from that provider. Reimbursement shall be made in the most cost-effective manner possible and only after sources for free transportation such as family and friends have been exhausted.

4. The county or tribal agency or its designee may require documentation by the service provider that an MA-covered service was received at the specific location.

5. No provider may be reimbursed more for transportation provided for an MA recipient than the provider's usual and customary charge. In this subdivision, "usual and customary charge" means the amount the provider charges or advertises as a charge for transportation except to county or tribal agencies or non-profit agencies.

(4) NON-COVERED SERVICES. The following transportation services and charges related to transportation services are non-covered services:

(a) Emergency transportation of a recipient who is pronounced dead by a legally authorized person before the ambulance is called;

- (b) Transportation of a recipient's personal belongings only;
- (c) Transportation of a laboratory specimen only;
- (d) Charges for excess mileage resulting from the use of indirect routes to and from destinations;
- (e) Transport of a recipient's relatives other than as provided in sub. (1)(d)4;
- (f) SMV transport provided by the recipient or a relative, as defined in sub. (1)(d)4, of the recipient;
- (g) SMV transport of an ambulatory recipient, except an ambulatory recipient under sub. (1)(c)1, to a methadone clinic or physician's clinic solely to obtain methadone or related services such as drug counseling or urinalysis;
- (h) Transportation by SMV to a pharmacy to have a prescription filled or refilled or to pick up medication or disposable medical supplies;
- (i) Transportation by SMV provided solely to compel a recipient to attend therapy, counseling or any other MA-covered appointment; and
- (j) Transportation to any location where no MA-covered service is provided either at the destination or pick-up point.

Note: For more information on non-covered services, see s. HSS 107.03.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Date : September 30, 1994

By: _____



Gerald Whitburn
Secretary

SEAL:

CH07117.JC/CODE

Chapter Trans 301

HUMAN SERVICES VEHICLES (HSV)

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Note: Chapter Trans 301 was created as an emergency rule effective December 1, 1981.

Trans 301.01 Purpose. The purpose of this rule is to promote the safe transportation of persons in a vehicle utilized as a human services vehicle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.02 Scope. This rule is promulgated under authorization granted in s. 346.97, Stats. This rule is intended to provide specific safety related standards regarding design, construction and equipment requirements for new and in-use human services vehicles. This rule may require different standards for vehicles of various size and use. It provides for the inspection and operation of human services vehicles as defined in this rule.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.03 Definitions. (1) "HSV" means a human services vehicle as identified in s. 340.01(56)(b)4. and 5., Stats. and regulated under s. 346.97, Stats.

(2) "Department" means Wisconsin department of transportation.

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(3) "GVWR" means gross vehicle weight rating.

(4) "Secretary" means secretary of the Wisconsin department of transportation.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Subchapter I

Operation

Trans 301.05 Driver requirements. (1) The driver shall not smoke or permit smoking when any minors are aboard the HSV. The driver shall not operate a HSV while under the influence of alcohol or controlled substance or permit the use of alcohol or controlled substance on the vehicle.

(2) The driver shall maintain order among passengers being transported. Misconduct shall be promptly reported to the proper authority. The driver may assign seating order.

(3) Prior to the start of any trip the driver shall check the condition of the HSV, giving particular attention to brakes, tires, lights, emergency equipment, mirrors, windows, and interior cleanliness of the vehicle. Defects shall be reported to the person in charge of vehicle maintenance. The driver shall be responsible for the cleanliness of the interior of the vehicle. The windshield and mirrors shall be clean before each operation.

(4) In case of an accident or a breakdown the driver should remain with the vehicle and secure aid by means of 2-way communication.

(5) Loading stations or points must be selected with due regard for traffic and pedestrian safety.

(6) Doors must be closed securely before starting and must remain closed while vehicle is in motion, except as provided in sub. (12). Abrupt starts and stops or sudden maneuvers are prohibited, except in an emergency.

(7) A driver shall not leave the vehicle unattended with engine running or key in the ignition.

(8) Articles may not be transported within vehicle body if there is or may be interference with passengers or driver, or if aisle, well or steps are obstructed. Articles other than those associated with agency activity may not be transported. At no time will animals, except for dogs permitted by s. 174.056, Stats., when harnessed and authorized by an accredited agency for the blind or deaf, or firearms or other weapons unless accompanied by written authorization from the agency administrator be permitted on a HSV. The driver shall refuse admittance to any person not presenting proper authorization. The driver may designate where items will be carried on the vehicle.

(9) Minors being transported in a HSV are prohibited from crossing the road either to be loaded or discharged. The driver shall position the vehicle in such a manner that a minor need not cross the road to be loaded or discharged from the vehicle.

(10) Drivers, transportation supervisors and vehicle owners shall cooperate at all times with authorized department of transportation personnel. Register, December, 1987, No. 384

sonnel in carrying out the inspection of equipment, or examination of driver pursuant to law, or to department rules.

(11) The driver shall not require or allow any passenger to stand while the vehicle is in motion. The driver shall not move (start) the HSV until all passengers are seated. The driver shall not permit a passenger to get up from a seated position until the HSV has come to a complete stop. The driver shall not permit any passengers to sit anywhere except in seats provided. This subsection does not apply to chaperones or monitors in the performance of their duties.

(12) The driver of any vehicle required to stop at a railroad crossing by s. 346.45, Stats., shall come to a full stop at a distance of not less than 15 feet nor more than 50 feet before crossing at grade any track of a railroad. The hazard warning lights shall be used when the HSV is slowing for the stop and shall remain on until the vehicle has resumed normal speed. While the vehicle is so stopped, the driver shall open the service door and listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the driver of such vehicle shall cross only in such gear of the vehicle as will make it unnecessary to manually shift gears while traversing the crossing and shall not shift gears while traversing the crossing. The door shall remain open until the front wheels of the HSV have cleared the first set of tracks for each required stop.

(13) Passengers shall comply with all orders given by drivers in carrying out the driver's responsibilities under the Wisconsin administrative code.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.06 Employer requirements. It is the employer's responsibility to determine that qualified personnel operate the vehicle according to safe practices and that the vehicle is qualified for human services transportation.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.07 Out of service. (1) Any vehicle that is found to be in such condition that is unsafe for use as a HSV will have an "out of service" sticker attached to the upper glass in the service door. The vehicle shall not be used as a HSV while such sticker is displayed.

(2) A vehicle with an "out of service" sticker displayed shall be re-inspected after repairs are completed. The sticker shall be removed by an agent of the department of transportation prior to reuse as a HSV.

(3) It shall be illegal for any person other than an agent of the department of transportation to remove an "out of service" sticker unless the vehicle has the base registration removed and is reregistered in such a manner so as to prohibit its use as a human services vehicle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Subchapter II

Equipment Standards

Trans 301.10 Aisle. Any HSV with a GVWR of more than 10,000 pounds or a vehicle with the aisle through the center of the unit shall

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have a minimum clearance of 12 inches leading to the emergency door when measured at any point between the seats or between any seat and emergency door frame in the case of a vehicle with a side emergency door. An open area for wheelchairs will not be considered an aisle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.11 Brakes. (1) Every HSV shall meet federal brake standards in effect at the time of manufacture.

(2) Every HSV with a GVWR of more than 10,000 pounds, equipped with air or vacuum assist brakes shall be equipped with a tank having a capacity of not less than 1,000 cu. in., a gauge, a low pressure warning system, and a check valve or pressure protective valve to protect the brake system.

(a) The gauge shall be illuminated and visible to the driver in the seated position. It shall be accurate to within 10% and shall indicate the air pressure or vacuum in the reserve tank.

(b) The low pressure warning device shall emit an audible or visual warning signal continuously when the air pressure in the brake system is 60 psi (pounds per square inch) or less or when the vacuum in the brake system is eight inches of mercury or less.

(c) Any accessory using air or vacuum shall not be operated from the air or vacuum reserve tank.

(3) Every HSV must be equipped with a power assist brake system.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.12 Bumpers. Every HSV shall be equipped with front and rear bumpers properly attached to the vehicle to be effective in the event of an accident.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.13 Construction. Every HSV with a GVWR of more than 10,000 pounds, or a capacity of more than 20 persons shall meet the requirements of the federal motor vehicle safety standards #220, school bus rollover protection as set forth below:

MOTOR VEHICLE SAFETY STANDARD NO. 220 School Bus Rollover Protection

S1. Scope. This standard establishes performance requirements for school bus rollover protection.

S2. Purpose. The purpose of this standard is to reduce the number of deaths and the severity of injuries that result from failure of the school bus body structure to withstand forces encountered in rollover crashes.

S3. Applicability. This standard applies to school buses.

S4. Requirements. When a force equal to 1½ times the unloaded vehicle weight is applied to the roof of the vehicle's body structure through a force application plate as specified in S5., Test procedures—

(a) The downward vertical movement at any point on the application plate shall not exceed 5¼ inches; and

(b) Each emergency exit of the vehicle provided in accordance with Standard No. 217 (71.217) shall be capable of opening as specified in that standard during the full application of the force and after release of the force, except that an emergency exit located in the roof of the vehicle is not required to be capable of being opened during the application of the force. A

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particular vehicle (i.e., test specimen) need not meet the emergency opening requirement after release of force if it is subjected to the emergency exit opening requirements during the full application of the force. (41 F.R. 36027—August 26, 1976. Effective: 8/28/76)

SS. Test procedures. Each vehicle shall be capable of meeting the requirements of S4, when tested in accordance with the procedures set forth below.

SS.1 With any non-rigid chassis-to-body mounts replaced with equivalent rigid mounts, place the vehicle on a rigid horizontal surface so that the vehicle is entirely supported by means of the vehicle frame. If the vehicle is constructed without a frame, place the vehicle on its body sills. Remove any components which extend upward from the vehicle roof.

SS.2 Use a flat, rigid, rectangular force application plate that is measured with respect to the vehicle roof longitudinal and lateral centerlines.

(a) In the case of a vehicle with a GVWR of more than 10,000 pounds, 12 inches shorter than the vehicle roof and 36 inches wide; and

(b) In the case of a vehicle with a GVWR of 10,000 pounds or less, 5 inches longer and 5 inches wider than the vehicle roof. For purposes of these measurements, the vehicle roof is that structure, seen in the top projected view, that coincides with the passenger and driver compartment of the vehicle.

SS.3 Position the force application plate on the vehicle roof so that its rigid surface is perpendicular to a vertical longitudinal plane and it contacts the roof at not less than two points, and so that, in the top projected view, its longitudinal centerline coincides with the longitudinal centerline on the vehicle, and its front and rear edges are an equal distance inside the front and rear edges of the vehicle roof at the centerline.

SS.4 Apply an evenly-distributed vertical force in the downward direction to the force application plate at any rate not more than 0.5 inch per second, until a force of 500 pounds has been applied.

SS.5 Apply additional vertical force in the downward direction to the force application plate at a rate of not more than 0.5 inch per second until the force specified in S4 has been applied, and maintain this application of force.

SS.6 Measure the downward movement of any point on the force application plate which occurred during the application of force in accordance with SS.5.

SS.7 To test the capability of the vehicle's emergency exits to open in accordance with S4 (b)—

(a) In the case of testing under the full application of force, open the emergency exits as specified in S4(b) while maintaining the force applied in accordance with SS.4 and SS.5; and

(b) In the case of testing after the release of all force, release all downward force applied to the force application plate and open the emergency exits as specified in S4(b).

S6. Test conditions. The following conditions apply to the requirements specified in S4.

S6.1 Temperature. The ambient temperature in any level between 32° F. and 90° F.

S6.2 Windows and doors. Vehicle windows, doors, and emergency exits are in fully-closed position, and latched but not locked.

(41 F.R. 3674,
January 27, 1976;
49 C.F.R. 571.229 (1976))

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.14 Communications. (1) Every HSV shall be equipped with some type of 2-way communication system. This system shall be of such design and installation that the vehicle operator shall at all times be able to communicate with either the base of operations or another intermediary party that could communicate with the base of operations.

(2) This subsection shall become effective on January 1, 1983.

History: Cr. Register, March, 1982, No. 315, eff. 1-1-83.

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Trans 301.15 Defroster. (1) All defrosting equipment shall keep the windshield and the glazing to the left and right of the driver clear of fog and frost. The defroster outlets shall not be restricted in any way.

(2) Fans may be used in addition to defrosters, but shall be mounted so as not to obstruct the driver's view.

(3) Any exposed fan blades shall have a shroud.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.16 Emergency exit. (1) Every HSV with a GVWR of more than 10,000 pounds shall be provided with emergency exits that comply with the following requirements.

(a) Emergency door requirements. 1. The door shall be devised so as to be opened from the inside and outside.

2. The aisle to the emergency door shall be kept clear of obstructions.

(b) There shall not be any steps leading to the emergency door.

(c) The upper and lower portion of the central rear emergency door shall be equipped with approved safety glass, the exposed area of which shall be not less than 400 square inches in the upper portion and not less than 280 square inches in the lower portion. The left side emergency door shall be equipped with safety glass in the upper portion and lower portion shall be of at least the same gauge metal as the body. The emergency door shall be hinged on the right side if it is in the rear of the bus and on the front side if it is in the left side and shall open only outward. Control from the driver's seat shall not be permitted.

(d) The emergency door shall be equipped with a slide bar, cam-operated latch which shall have a minimum stroke of one inch. The latch shall be equipped with a suitable electric plunger-type switch connected with a distinctive audible signal, automatically operated which shall clearly indicate the unlatching of this door. A cutoff switch shall not be installed in the circuit. The switch shall be enclosed in a metal case and wires leading from the switch shall be concealed in the body. The switch shall be so installed that the plunger contacts the farthest edge of the slide bar in such a manner that any movement of the slide bar will immediately close the circuit and activate the signal. The door latch shall be equipped with an interior handle which shall be capable of quick release but shall be protected against accidental release. It shall lift up to release the latch. The outside handle shall be so constructed as to minimize hitching and shall be a nondetachable device.

(e) If locks are installed on the emergency door they shall include a device to prevent the activating of the starter mechanism of the vehicle engine while any door is locked. An audio alarm shall indicate to the driver when any door lock is in the locked position while the ignition switch is in the "on" position.

(f) A rear emergency window at least 16 inches in height and as wide as practicable shall be provided in any HSV where the emergency door is not in the rear. The rear window shall be designed so as to be opened from either the inside or the outside. It shall be hinged at the top and designed to prevent accidental closing in an emergency. A positive latch on the inside shall provide for quick release but offer protection against acciden-

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tal release. The outside handle shall be nondetachable and designed to minimize hitching.

1. The inside of each emergency window or door shall have the designation "Emergency Exit." Concise operating instructions shall be located within 6 inches of the release mechanism. The outside of the emergency door shall be clearly marked "Emergency Door" or "Emergency Exit" in letters 2 inches high at the top of the door. An arrow at least 6 inches long and 3/4 inch in width indicating the direction the release mechanism should be turned to open the door shall be painted in contrasting or conspicuous colors. The outside of the emergency window shall be labeled "Emergency Exit" in letters at least 2 inches high directly above the window.

2. A distinctive audible signal, automatically operated shall clearly indicate to the driver the unlatching of any emergency window and no cut-off switch shall be installed in the circuit.

(g) The area on the inside above the emergency door shall be covered with padding at least 2 inches high to within 2 inches of each side of the door opening.

(2) Each HSV of 10,000 pounds or less GVWR need not have a specific emergency exit providing there are two separate openings where persons could exit the vehicle under normal circumstances.

(3) All doors shall be capable of being opened easily from the inside and outside including the rear door(s) of a van.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.17 Floor and floor covering. Every HSV shall have a nonslip floor mat or covering wherever the driver or passengers normally place their feet or utilize floor space to get to their seats.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.18 Exhaust system. The exhaust system which includes the exhaust manifold, joining gaskets, piping leading from the exhaust manifold, the muffler(s) and tail pipe(s) shall not enter the HSV at any location. The exhaust system pipes shall be of nonflexible tubing. The exhaust system pipes shall extend to, but not beyond the rear limit of the bumper or to the body limits on the left side of the bus behind the driver's compartment, or may exit to the right side of the vehicle to the rear of the rear wheel. The complete exhaust system shall be tightly connected and free from leaks and shall be properly insulated from the electrical wirings or any combustible part of the vehicle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.19 Fire extinguisher. (1) Each HSV shall be equipped with a fire extinguisher mounted in full view in the driver's compartment or mounted inside a compartment in the driver's area if the compartment is in plain view and is labeled "Fire Extinguisher" to indicate its location. An automobile or station wagon may have the fire extinguisher mounted in the luggage area provided there is an indication on the dash that the fire extinguisher is so located.

(2) Fire extinguishers may be locked or kept in a locked compartment provided it is not locked when passengers are being transported. This subsection shall not apply to the cargo area of an automobile.

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(3) The fire extinguisher shall be at least a 10 BC rating.

(4) All extinguishers shall be kept fully charged and sealed.

(5) All extinguishers shall be in a bracket or receptacle to secure it to the vehicle.

(6) CO₂ extinguishers are prohibited from use in a HSV.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.20 First aid kit. (1) Every HSV shall carry a first aid kit. The container shall be moisture and dust proof. It shall be secured in the vehicle.

(2) The kit shall be a 10 unit kit or larger containing the following:

Adhesive bandage, 1-inch	2 packets
Bandage compress, 2-inch	2 packets
Bandage compress, 4-inch	4 packets
Gauze compress, 24-inch x 24-inch minimum	1 packet
Triangular bandage, 40-inch	1 packet

(3) All units shall be in a sanitized package.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.21 Fuel tank and fuel system integrity. (1) All fuel systems and tanks shall be maintained free of leaks.

(2) All fuel lines shall be fastened in a manner that will prevent wear.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.22 Heaters. (1) An inside temperature of not less than 50° fahrenheit at average minimum January temperatures as established by the U.S. department of commerce, weather bureau, for the area in which the vehicle is to be operated shall be maintained throughout the HSV.

(2) The heater hose shall be adequately supported to guard against excessive wear or abrasion and shall not interfere with or restrict the driver. Heater hose or lines inside the driver or passenger compartment shall be shielded to prevent accidental contact by driver or passengers.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.23 Instruments and gauges. (1) The HSV shall be equipped with the following illuminated instruments to indicate malfunctions or gauges to indicate a measure or capacity.

(a) Air pressure of vacuum, where air or vacuum brakes are used with low energy supply warning system.

(b) Ammeter, voltmeter or electrical capacity.

(c) Fuel.

(d) Oil pressure.

(e) Water temperature.

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(2) The gauges or instruments shall be mounted in such a manner that each is clearly visible to the seated driver.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.24 Interior. (1) The interior of a HSV shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls.

(2) Rearward metal panels shall be lapped over forward panels to reduce likelihood of injury in the event of separation. Exposed edges of all interior panels shall be beaded, hemmed or flanged.

(3) No projections from the ceiling will be allowed in the entrance way or aisle. All speakers must be flush mounted except in the driver's compartment. This requirement is applicable to any HSV put into service after January 1, 1982.

(4) The interior of the HSV shall be kept free of litter or debris

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.25 Lights, lamps, and reflectors. (1) The lights, lamps, and reflectors required for a HSV shall be those required by ch. 347, Stats.

(2) All lights and lamps shall be operational and the reflectors shall not be damaged or broken.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.26 Mirrors. (1) Every HSV with a GVWR of more than 10,000 pounds shall have an interior rearview mirror at least 6 x 30 inches overall. There shall also be 2 exterior clear view outside rearview mirrors, one to the left and one to the right of the driver. Area of each mirror shall be not less than 50 square inches overall. Each mirror shall be firmly supported and adjustable to give driver clear views past left rear and right rear of vehicle. The right outside mirror mounts shall include a side angle adjustable convex mirror to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surfaced mirror below 50 square inches, or as an option, have a front mounted mirror; these shall provide a view from the service door rearward.

(2) Each HSV with a GVWR of 10,000 pounds or less shall have:

(a) One interior rearview mirror.

(b) Two outside rearview mirrors. One shall be on the right side and one on the left side of the vehicle.

(3) Every HSV except an automobile or station wagon transporting minors shall be equipped with a 7 inch cross-view mirror providing a reflection of the road from the front bumper to a point where direct observation is possible.

(4) Mirrors which are cracked, broken, or clouded shall be replaced.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.27 Openings. (1) Every HSV shall have all openings between the engine and passenger compartments adequately sealed to prevent engine fumes from entering the passenger compartment. Every HSV shall

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have doors which have a weathershield (weatherstrip) to prevent drafts, or inclement weather from entering the vehicle.

(2) Every HSV shall be free of rust or rusted areas which could permit the entrance of foreign substance into the interior of the vehicle.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.28 Rub rails. (1) Every HSV with a GVWR of more than 10,000 pounds shall comply with the following requirements:

(a) There shall be one rub rail located approximately at seat level which shall extend from the rear side of the service door to the rear of the vehicle and one rub rail located on the left side from the front to the rear.

(b) There shall be one rub rail located between the floor line and 9 inches above the floor line. It shall extend over the same longitudinal distance as the upper rub rail, except where it meets the wheel housing, and which may terminate at the radii of the right and left rear corners.

(c) Rub rails shall be constructed of 16 gauge longitudinally corrugated or ribbed steel of at least 4 inch width. Each rub rail flange shall be attached at each body post. Pressed-in or snap-on rails are not permitted.

(2) Human services vehicle with a GVWR of 10,000 pounds or less are not required to have rub rails.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.29 Seating. (1) All seats shall be forward facing and securely fastened to that part or parts of the body which support them. A passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident.

(2) The top corners and at least 10 inches of the top of the back surface of the seat backs shall be padded sufficiently to reduce the likelihood of injury. Hand holds may be incorporated on the aisle side of a seat back. These holds are exempt from the padding requirement.

(3) Fold down, fold up or reclining seats will not be approved for use in a HSV except in a station wagon or suburban type vehicle. Rear or center facing seats in a station wagon are not permitted.

(4) All passengers aboard a HSV shall be seated in a permanently mounted seat. The department will interpret the removable seat in a van as being a permanently mounted seat. This subsection does not apply to persons transported in a wheelchair or some other device which would make this provision impractical.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.30 Service door. (1) The service door shall be the door(s) usually used by the majority of the passengers for entering and leaving the HSV. In a vehicle commonly referred to as a van, this may be either the right front door or the door(s) located near the center of the vehicle on the right side. The van door may be either on a sliding glideway or may open outward.

(2) Service door shall be located on right side of vehicle.

(3) Service door shall be so designed as to prevent accidental opening.

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(4) In a vehicle of more than 10,000 pounds GVWR, the lower as well as upper panels shall be of safety glass.

(a) The bottom of the lower glass panel shall not be more than 35 inches from the ground when vehicle is unloaded.

(b) The upper glass shall be hermetically sealed. This paragraph shall apply to any HSV manufactured after January 1, 1982.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.31 Steering. All components and linkages for the steering system shall be properly maintained.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.32 Steps. (1) The first step at the service door shall be not more than 16 inches from the ground. The use of a portable step shall not be considered in meeting this requirement.

(2) The riser of the upper step at the service door shall be not more than 15 inches.

(3) A grab handle not less than 10 inches in length shall be provided in an unobstructed location inside doorway to assist a person entering or leaving a HSV.

(4) The surface of the steps shall be of nonskid material or construction.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.33 Suspension system. (1) All suspension system components shall be maintained to meet manufacturer's ratings.

(2) Every HSV shall be equipped with front and rear shock absorbers compatible with manufacturer's rated axle capacity.

(3) The shock absorbers shall be free of leaks and all mountings shall be properly maintained.

(4) A vehicle may not be operated with any broken spring leafs or worn, loose, mislocated shackles or "U" bolts.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.34 Tires. (1) The front and rear tires shall have tread depth of at least 2/32 inch around the entire periphery measured at 2 points no less than 15 inches apart in any major tread groove. Vehicles with a GVWR of more than 10,000 pounds shall have front tires with a minimum of 4/32 inch tread depth and rear tires with a minimum of 2/32 inch tread depth.

(2) A HSV shall not be operated with regrooved, recapped or retreaded tires on the front wheels.

(3) A HSV shall not be operated with cuts or chunks missing exposing the cord, recaps peeled loose or off, or showing an indication of ply separation.

(4) Tires of different size or ply rating may be used except that all tires on an axle must be the same size and ply rating.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

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Trans 301.35 Windows. (1) In this section:

(a) "ANS Z26.1" means the standards for glazing in land vehicles adopted by the American national standards institute, 1430 Broadway, New York, New York 10018, under its designation Z26.1-1966, including supplement Z26.1a-1969. These standards are on file in the offices of the department of transportation, the secretary of state, and the revisor of statutes and may also be obtained from the American national standards institute at the address given above.

(b) "AS1" to "AS11" have the same meaning as in section 6 of ANS Z26.1.

(c) "AS12" means a safety plastic material that:

1. Complies with tests 10, 13, 16, 17, 21 and 24 of ANS Z26.1;

2. Complies with tests 19 and 20 of ANS Z26.1 with the exception of the test for resistance to undiluted denatured alcohol; and

3. In new vehicles or replacement glazing, has affixed a manufacturer's label specifying instructions and agents for cleaning the material that will minimize the loss of transparency.

(d) "AS13" means a safety plastic material that:

1. Complies with tests 16, 22, and either 23 or 24 of ANS Z26.1;

2. Complies with tests 19 and 20 of ANS Z26.1 with the exception of the test for resistance to undiluted denatured alcohol; and

3. In new vehicles or replacement glazing, has affixed a manufacturer's label specifying instructions and agents for cleaning the material that will minimize the loss of transparency.

(2) The glazing in windows to the right and left of driver shall be identified by the designation AS1 or AS2. The rearmost windows (in the rear) shall be designated AS1 or AS2 except that the lower glazed portion of the emergency door may be designated AS8. Any other side push-out or kick-out windows may be identified with glazing designated as AS1, AS2, AS3, AS4, AS5, AS12 or AS13. Side windows not easily removable shall be identified as AS1, AS2 or AS3. Replacement glazing shall comply with these requirements.

(3) All windows shall operate freely.

(4) On vehicles of more than 10,000 pounds GVWR:

(a) The window immediately to the rear of the service door shall be hermetically sealed glass with an insulating air space. When a lift or ramp is installed immediately to the rear of the service door, the hermetically sealed window shall be located to the immediate rear of such opening. If there is a window forward of the service door, this window shall also be hermetically sealed. This paragraph shall apply to any HSV put into operation after January 1, 1982.

(b) A HSV may be equipped with a push-out type window for emergency exit. These shall be hinged at the top. These windows shall be identified as an emergency exit with concise operating instructions located within 6 inches of the release mechanism or other location to adequately inform a passenger of the presence of the emergency exit.

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(c) A distinctive audible signal, automatically operated shall clearly indicate to the driver the unlatching of an emergency window when the ignition is in the "ON" position. No cutoff shall be installed in the circuit.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.36 Windshield. The glass in the windshield shall be laminated safety glass identified by the designation AS1. This mark shall be visible and legible. The glass shall be of such quality as to prevent distortion of view in any direction.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.37 Windshield washer. (1) Every HSV shall be equipped with a windshield washer system that will provide fluid for the wipers to effectively clean the windshield.

(2) The washer system shall be maintained and operational.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.38 Windshield wipers. Every HSV shall be equipped with 2 windshield wipers (mechanism, arms, blades). The system shall have at least 2 speeds.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Subchapter III

Special Equipment Requirements

Trans 301.60 General requirements. (1) Vehicles for transporting handicapped persons shall comply with current Wisconsin statutes and rules except for modifications necessary for the installation of special equipment. Such modifications or exceptions are set forth in this section through s. Trans 301.66

(2) Any HSV used for transporting handicapped persons in wheelchairs shall be equipped with a side ramp or a lift located on the right side of the body. The side ramp or lift may not be attached to the exterior of the body, but shall be completely contained and securely fastened within the perimeter of the vehicle body when not in operation. A ramp or a lift utilizing a HSV rear door may not be used to load or discharge any person on a highway as defined by s. 340.01 (22), Stats. Unless otherwise prohibited, however, a ramp or a lift utilizing a HSV rear door may be used to load or discharge a person in an area other than a highway as defined by s. 340.01 (22), Stats. If a HSV equipped with a ramp or a lift using the HSV rear door is used to load or discharge persons only in areas other than a highway as defined by s. 340.01 (22), Stats., and is never used to load or discharge persons on the highway or where otherwise prohibited, the HSV need not be equipped with a side ramp or lift located on the right side of the body.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; emerg. am. (2), eff. 6-29-83; am. (2), Register, December, 1983, No. 336, eff. 1-1-84.

Trans 301.61 Special service opening. (1) There shall be an enclosed door opening located on the right side of the HSV and far enough to the rear so that any forward mounted door when fully opened will not obstruct or interfere with the normal operation of the regular service door.

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(2) A device shall be provided to hold doors in a wide open position of at least 90°.

(3) Door materials and structural strength shall be equivalent to conventional service and emergency doors.

(4) Each door shall have a glass window meeting the requirements of s. Trans 301.35.

(5) The door shall be equipped with a device that will actuate an audible or visual signal located in the driver's compartment when door is not securely closed and latched and may deactivate when door is fully opened. This subsection shall be applicable to vehicles manufactured after January 1, 1982.

(6) Door panel(s) shall enclose the complete opening in the body made necessary by the installation of a side ramp or power lift.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.62 Power lift. (1) The lifting mechanism shall have a minimum capacity of 700 pounds.

(2) All power lift mechanism(s) shall be enclosed.

(3) Power lift may be mounted to chassis frame.

(4) Lift platform edges shall be designed to prevent wheelchairs or attendant's feet from becoming entangled during raising and lowering process.

(5) Platform floor surface shall be of nonskid material.

(6) Platform shall lock mechanically when in the stored position. A power lift designed to remain in a rigid position with the power off is exempt from having a mechanical lock. The intent of this paragraph is to prevent a lift from having any movement while the vehicle is in motion.

(7) Up and down limits shall be controlled by limit switch or by-pass valve. A lift with gravity lowering capabilities is exempt from having a by-pass valve.

(8) Positioning power lift shall be controlled by switches which give the operator instant and positive control to move, stop, or reverse the lift travel at will.

(9) With the exception of floor molding, no metal screws are to be used in fabrication of platform assembly.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.63 Ramps. A floor ramp shall be covered with nonskid material. A ramp when in the stored position shall be locked by a mechanical device to prevent its movement while the vehicle is in motion.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.64 Stanchions and barriers. (1) Barriers shall be furnished to provide a restraint for passengers. If the vehicle is a van and has only seats with no area for wheelchairs, it is exempt from having barriers. The most forward seat behind an open area for wheelchair use and the most

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forward seat behind a power lift or ramp shall be protected by a barrier. Barriers and stanchions shall be padded.

(2) All inside and rear facing surfaces except the platform surface of a lift shall be padded.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.65 Wheelchair fasteners. (1) Each wheelchair shall be secured to the vehicle before the vehicle moves from the parked position with a fastening device with sufficient strength to:

- (a) Retain the chair in the event the vehicle overturns.
- (b) Prevent the chair from moving.
- (c) Prevent the chair's wheels from leaving the floor in the event of a sudden stop or start.

(2) The device may be either a metal locking unit that secures the wheelchair to the wall or floor or a webbing belt system that accomplishes the same purpose.

(3) There shall be no wheelchair attachment to any door.

(4) If a webbing belt system is used it shall be secured to the vehicle at not less than 2 points with bolts, nuts, and lock washers or self-locking nuts, or with a positive latching mechanism of matching interlocking units which permits the belt portion to be removed and stored. The webbing system shall be free of any tears or damage to the locking mechanism.

(5) A webbing belt used to secure the wheelchair to the body frame shall not be used to secure the passenger to the wheelchair.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Trans 301.66 Seats and restraints. (1) Seat frames may be equipped with a device to which belts or restraining harnesses may be attached.

(2) Every occupant shall be secured to the wheelchair while being transported.

(3) Vehicles designed to transport wheelchairs may have aisle facing seats over the wheel housing provided they are equipped with a device to prevent a passenger from sliding off either end. A seat belt will not in itself meet this requirement. The seat shall be permanently mounted and shall not fold up or down.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Subchapter IV

Inspection and Enforcement Standards

Trans 301.95 General requirements. (1) Any item if covered by a standard in this rule shall upon replacement be replaced with an item meeting the original standard. Any modification of a HSV shall be made to conform to federal and state regulations at the time of modification.

(2) A panel truck shall not be used as a HSV. A station wagon having a wood body shall not be used as a HSV.

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(3) The enforcement policy of the department of transportation shall take into consideration the age, condition, and equipment of vehicles before granting approval for their continued use. The department of transportation shall prohibit the use of any vehicle as a HSV which is deemed to be unsafe or unfit for such service. In construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, agent, service or other person acting for or employed by the registered owner or the lessee of the vehicle, whoever has control, done within the scope of his employment is deemed to be the act, omission or failure of such registered owner or lessee, except that this sentence shall not apply to violations of ch. 346, Stats.

(4) It is the responsibility of the owner or operator to have the HSV inspected annually. After notification by the owner or operator that vehicles are to be inspected, the department shall attempt to inspect the vehicle(s), contingent on other duties, at the earliest time available. During subsequent inspection periods the department will attempt to perform the inspections without notification; however, the responsibility remains with the owner to have the HSV inspected.

(5) Any person violating s. Trans 301.05(9) shall be prosecuted as set forth in s. 346.97(4)(b), Stats. Violations of any other provision of this rule shall be prosecuted as set forth under s. 346.97(3)(e), Stats.

(6) This rule applies to all HSVs except vehicles owned by volunteers. Human services vehicles formerly in compliance as school buses may continue to meet those requirements, or may convert to meet the requirements of this rule. In the event that the vehicle is converted from a school bus, all identification requirements of a school bus must be removed. Upon conversion, the owner must repaint a vehicle meeting the yellow-black color scheme to some other color by January 1, 1987. The stop arm, school bus sign and alternating flashing red lights must be removed immediately upon conversion. Human services vehicles put into service in Wisconsin after the effective date of this rule shall comply with the requirements in effect at the time they are inspected as a HSV.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

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